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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,264	10/22/2001	Mark H. Lucovsky	3090	9015

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EXAMINER
STEVENS, ROBERT

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/021,264	LUCOVSKY ET AL.
	Examiner	Art Unit
	Robert Stevens	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 April 2006</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>4-23</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>4-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: RCE filed 4/3/2006.

2.   This action is **FINAL**.

3.   The Office substantially maintains the previous rejections of claims 4-23 under 35 U.S.C.

§103(a) as being unpatentable over Slaughter in view of Lange.

4.   Claims 4-23 are pending. Claims 4, 12 and 14 are independent. Claims 1-3 have been

previously cancelled.

Continued Examination Under 37 CFR 1.114

5.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   **Claims 4-23 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Slaughter

et al (US Patent No. 6,868,447, provisionally filed Jun. 5, 1998 and issued Mar. 15, 2005,

hereafter referred to as "Slaughter") in view of Lange et al (US Patent No. 6,163,794, filed Oct.

23, 1998 and issued Dec. 19, 2000, hereafter referred to as "Lange").

Independent claim 4 states:

> *In a computer network, a method comprising:*
> *receiving a request from a device having a service running thereon using
> a service-to-service protocol to retrieve calendar data from a data store, the
> request including associated identity information;*
> *reading from a the data store to obtain calendar data in response to the
> request, wherein access to the data store is based on the associated identity
> information;*
> *constructing a calendar document including at least part of the requested
> calendar data, and including a defined schema for calendar data, the defined
> schema operable to be interpreted by the service running on the device; and*
> *returning the calendar document to the device in response to the request.*

Regarding these limitations ...

Slaughter discloses exchanging messages among various entities (client, service, etc.) in

Figures 6, 36 and 37, showing the exchange of XML messages among clients (i.e., requests) and

services (i.e., responses) and the accessing of data storage (#1600 and 1602 in Fig. 36).

Slaughter further teaches the use of XML schemas in the Abstract and col. 19 lines 59-60, which

discuss the well-known use of schemas for XML content validation and translation. It is further

implied that a message response is returned to the sending device, as evidenced by Figure 6 in

which messages from a client device to a service are returned to that client device as indicated by

the bi-directional message flow arrows.

However, Slaughter does not explicitly teach the use of a calendar service. Lange,

though, teaches the well-known use of a calendar service in column 13 lines 29-36, discussing

various network-based services, such as a calendaring service. Figure 1 further illustrates the

direct pathway between services and a user device (e.g., hosting voice or graphical user interface

functions), which provided a calendar service connection to a user.

It would have been obvious to one of ordinary skill in the art at the time of the invention

to apply the teachings of Lange for the benefit of Slaughter, because to do so would have

allowed one to implement a program that is operable to utilize a service within a network system,

as taught by Lange in the Abstract. These references were all applicable to the same field of

endeavor, i.e., network-based services.

Regarding dependent claims 5-11, Slaughter teaches the use of XML schemas in the

Abstract and col. 19 lines 59-60, which discuss the well-known use of schemas for XML content

validation and translation. It is further implied that a message response is returned to the sending

device, as evidenced by Figure 6 in which messages from a client device to a service are returned

to that client device as indicated by the bi-directional message flow arrows.

However, Slaughter does not explicitly teach the use of a calendar service. Lange, though, teaches the well-known use of a calendar service in column 13 lines 29-36, discussing various network-based services, such as a calendaring service. Figure 1 further illustrates the direct pathway between services and a user device (e.g., hosting voice or graphical user interface functions), which provided a calendar service connection to a user. The specific data items one used for scheduling in a calendar service were well-known and obvious variants to one skilled in the art at the time of the invention.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Lange for the benefit of Slaughter, because to do so would have allowed one to implement a program that is operable to utilize a service within a network system, as taught by Lange in the Abstract. These references were all applicable to the same field of endeavor, i.e., network-based services.

Claim 12 is directed to a computer readable medium having instructions to implement the method of claim 4. As such, this claim is substantially similar to claim 4, and therefore likewise rejected.

Claim 13 is substantially similar to claim 5, and therefore likewise rejected.

Independent claim 14 states:

> *In a computer network, a method comprising:*
>   *providing access to a network using a device, the access requiring associated identity information corresponding to the device;*
>   *receiving a request for calendar data stored in a data store from a service accessible via the network using a service to service protocol, the request based on including the associated identity information;*
>   *determining if the request is an allowable request based on the associated identity information; and*
>   *if the request is allowable, returning a calendar document to the device, the calendar document including having at least part of the requested calendar data, the calendar document including a schema associated with the service.*

Regarding these limitations ...

Slaughter discloses network access and associated identity information in column 18 lines 48-53, discussing the well-known use of TCP/IP, which requires a sender's address corresponding to the sending device. Slaughter discloses exchanging messages among various entities (client, service, etc.) in Figures 6, 36 and 37, showing the exchange of XML messages among clients (i.e., requests) and services (i.e., responses) and the accessing of data storage (#1600 and 1602 in Fig. 36). It is further implied that a message response is returned to the sending device, as evidenced by Figure 6 in which messages from a client device to a service are returned to that client device as indicated by the bi-directional message flow arrows. Slaughter further discloses authenticating requests and clients in Figure 20 elements #306 and 308, discussing the identification of a client and the subsequent determination of client capabilities. Slaughter further teaches the use of a service schema in the Abstract, it having been an obvious variant to one skilled in the art at the time of the invention as to when a schema was exchanged among parties (and whether that schema was included in a particular message).

However, Slaughter does not explicitly teach the use of a calendar service. Lange, though, teaches the well-known use of a calendar service in column 13 lines 29-36, discussing various network-based services, such as a calendaring service. Figure 1 further illustrates the direct pathway between services and a user device (e.g., hosting voice or graphical user interface functions), which provided a calendar service connection to a user.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Lange for the benefit of Slaughter, because to do so would have allowed one to implement a program that is operable to utilize a service within a network system, as taught by Lange in the Abstract. These references were all applicable to the same field of endeavor, i.e., network-based services.

Regarding dependent claims 15-23, Slaughter teaches the use of XML schemas in the Abstract and col. 19 lines 59-60, which discuss the well-known use of schemas for XML content validation and translation. It is further implied that a message response is returned to the sending device, as evidenced by Figure 6 in which messages from a client device to a service are returned to that client device as indicated by the bi-directional message flow arrows.

However, Slaughter does not explicitly teach the use of a calendar service. Lange, though, teaches the well-known use of a calendar service in column 13 lines 29-36, discussing various network-based services, such as a calendaring service. Figure 1 further illustrates the direct pathway between services and a user device (e.g., hosting voice or graphical user interface functions), which provided a calendar service connection to a user. The specific operations one

performed on data used in a calendar service were well-known and obvious variants to one

skilled in the art at the time of the invention.

It would have been obvious to one of ordinary skill in the art at the time of the invention

to apply the teachings of Lange for the benefit of Slaughter, because to do so would have

allowed one to implement a program that is operable to utilize a service within a network system,

as taught by Lange in the Abstract. These references were all applicable to the same field of

endeavor, i.e., network-based services.

Response to Arguments

8.   It is noted that the Applicant has not presented any arguments or amendments with this

RCE in response to the rejections set forth in the Final Action, mailed 12/2/2005. It is also noted

the Applicant has not presented any After Final arguments and/or amendments.

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Robert Stevens whose telephone number is (571) 272-4102. The

examiner can normally be reached on M-F 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R. Herndon can be reached on (571) 272-4136. The current fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Additionally, the main number for Technology Center 2100 is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert Stevens
Art Unit 2176
Date: June 9, 2006

rs

WILLIAM BASHORE
PRIMARY EXAMINER